



TRANSMITTAL LETTER			Case No. 56/423
Serial No. 10/768,986	Filing Date January 30, 2004	Examiner unassigned	Group Art Unit unassigned
Inventor(s) Walter Hubert et al.			
Title of Invention POSITION MEASURING SYSTEM			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Information Disclosure Statement, PTO 1449, 6 References Cited, and Return Post Card.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

				Small Entity		Other Than Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9 =		x \$18 =	
Indep.		Minus			x 43 =		x \$86 =	
First Presentation of Multiple Dep. Claim					+ \$145 =		+ \$290 =	
					Total add'l fee	\$	Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John C. Freeman  
Registration No. 34,483  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 11, 2004.

Date:

March 11, 2004

Signature:



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on March 11, 2004

Name of Registered Representative:

*John C. Freeman*

John C. Freeman, Reg. No. 34,483

*March 11, 2004*

Date of Signature

PATENT  
CASE NO. 56/423

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
 )  
Walter Huber et al. )  
 ) Group Art Unit: unassigned  
Serial No.: 10/768,986 )  
 ) Examiner: unassigned  
Filed: January 30, 2004 )  
 )  
For: POSITION MEASURING SYSTEM)

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

## **I. DISCLOSURE**

### **A. U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
3,985,448	Wiklund et al.	10/12/76
4,263,506	Epstein	04/21/81
4,866,269	Wlodarczyk et al.	09/12/89

### **B. Foreign Patents**

<b><u>Reference No.</u></b>	<b><u>Country</u></b>	<b><u>Pub. Date</u></b>
35 36 466 A1	West Germany	04/16/87
WO 02/23131	WIPO	03/21/02

### **C. Pending Dr. Johannes Heidenhain GmbH Patent Applications**

<b><u>Application No.</u></b>	<b><u>Inventor</u></b>	<b><u>Filing Date</u></b>
10/380,847	Holzapfel et al.	09/24/2003

## **II. DISCUSSION**

### **A. West German Patent Reference No. 35 36 466**

The pertinence of the '466 patent reference is discussed at page 2 of Applicants' Specification. Based solely on the drawings and the enclosed English language Abstract, the '466 patent reference appears to disclose a zero pulse generator that includes a carrier with two separate tracks. One track has evenly spaced radial scale divisions while the other track has irregularly spaced fields that cooperate with masks to provide positive and negative signal peaks.

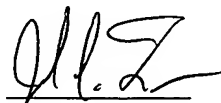
**B. WIPO Patent Reference No. WO 02/23131**

The pertinence of the '131 patent reference is discussed at pages 6 and 7 of Applicants' Specification. Based solely on the drawings and the enclosed English language Abstract, the '131 patent reference appears to disclose a position measuring device that uses a ridge prism. It is believed that U.S. Patent Application Serial No. 10/380,847 corresponds to the '131 patent reference.

**III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record. Applicants also invite the Examiner to review the above-mentioned Heidenhain application, copy enclosed, and the art cited therein.

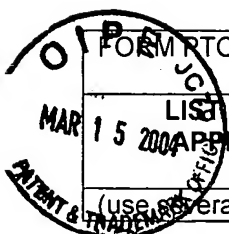
Respectfully submitted,



John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: March 11, 2004



FORM PTO-1449	SERIAL NO. 10/768,986	CASE NO. 56/423
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (use several sheets if necessary)	FILING DATE January 30, 2004	GROUP ART UNIT unassigned
APPLICANT(S): Walter Huber et al.		

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,985.448	10/12/76	Wiklund et al.		
	A2	4,263,506	04/21/81	Epstein		
	A3	4,866,269	09/12/89	Włodarczyk et al.		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A4	35 36 466 A1	04/16/87	West Germany		Yes
	A5	WO 02/23131	03/21/02	WIPO		Yes

**OTHER ART – NON PATENT LITERATURE DOCUMENTS**

EXAMINER INITIAL	(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A6	Pending Application No. 10/380,847, Inventors: Holzapfel et al., Filing Date: 09/24/2003

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.